



Montgomery County Department of Permitting Services
255 Rockville Pike
Rockville, MD 20850



A GUIDE FOR HOMEOWNERS BUILDING RESIDENTIAL DECKS

By reviewing plans prior to issuing permits and performing field inspections for construction, alterations and improvements, the Department of Permitting Services (DPS) assists homeowners to comply with the provisions of the law.

REGULATIONS THAT GOVERN DECK CONSTRUCTION

The *Montgomery County Code* requires that one and two-family dwellings and their accessory structures – which include decks - comply with the *Montgomery County Building Code*, *zoning*, and *well & septic* requirements.

The Montgomery County Building Code

Montgomery County Building Code incorporates by reference the International Residential Code (IRC) for One- and Two-Family Dwellings, 2000 edition, and the National Electric Code (NEC), 1996 edition, with local amendments.

Zoning Requirements

Homeowners should check with the Zoning Section, **(240) 777-6240**, about the yard and other zoning-related requirements. Minimum yard (setback) requirements, as set forth in the County Zoning Ordinance, represent the minimum distance from the property's boundary lines that are required for the location of any deck.

Well & Septic Requirements

Homeowners should check with the Well & Septic Section, **(240) 777-6320**, about the requirements pertaining to construction on lots served by a septic system or private well. Appropriate clearances from the septic system or well must be maintained.

Covenants and Deed Restrictions

Many of the subdivisions and developments in Montgomery County have private deed restrictions and covenants regulating the construction of decks beyond the limitations contained in County Ordinances. These amount to contractual agreements and thus the County does not enforce covenants and deed restrictions. Should you have questions about your development's restrictions, you may obtain information from your homeowners association, or civic association.

PERMITS REQUIRED

A **building permit** is required for all decks that are supported by footings regardless of the height above grade. For decks constructed with stairway illumination (see plan requirements) or hot tubs, spas, etc., an **electrical permit** may also be required.

WHERE TO APPLY FOR PERMITS

Application for a permit can be made at the Department of Permitting Services, 255 Rockville Pike, 2nd Floor, Rockville, Maryland 20850, Monday through Friday, 7:30 a.m. to 4:00 p.m., telephone **240-777-6370**.

WHAT TO BRING TO THE PERMIT SECTION

To apply for a building permit, the applicant must submit two sets of the *site* and *construction plans* along with a building permit application to the Department of Permitting Services for review. All drawings must be prepared in pen or equal on sheets no smaller than 8½x11 inches. The minimum acceptable scale is ¼ inch = 1 foot.

Site Plan

Homeowners should sketch, to scale, the area and location of the deck on the house location plat or “house location survey”, including distances from the deck to the lot lines and the height from grade to the top of the deck. Address and street, alley location must be shown on the plan. Please note that:

- For a townhouse, the pertinent section of the approved subdivision site plan is acceptable in lieu of a house location plat,
- If County easements are present on a lot, no construction shall encroach into the ground or air space of the easement,
- For some older homes, Zoning Section may not have the house location plat. If this is the case, a copy of the record plat will suffice. However, all structures, dimensions, distances, etc., will have to be drawn on the plat.
- If you do not have a copy of the house location plat, a copy may be obtained from the Zoning Section if there is one on file.

Construction Plans

All structural elements of the deck must be completely detailed and included on the construction plans such as Foundation Plan, Floor/Framing Plan, Cross-sections, Elevations, and details. The plans must include the following information:

- Length and width of the proposed foundation plan/layout,
- Footing details (minimum footing depth is 24", footings shall bear on solid soil, and the maximum soil bearing capacity is 2,000 psf),
- Size of all posts, joists, and beams, shown on the framing plan,
- Handrail and guardrail details (including, if applicable, Chippendale rail, sun bursts, and pre-manufactured rail systems). Pre-manufactured guardrail systems (plastic, fiberglass, etc.) must be listed by an approved code agency,
- Stair details (if applicable) with a note relative to stairway illumination (all stairs shall be provided with an artificial light source which will illuminate the stair including all treads and landings),
- Elevations, front, side and rear with attachment details (such as attachment to house, joist to beam connections, rail to post connections, etc.),
- Hot tub manufacturer's information showing structural loading requirements (if applicable),
- If plans are prepared by a registered design professional (Professional Engineer or Architect), at least one set of construction drawings must bear the **original** seal and signature of the registered design professional. The County will retain this set.
- The condition of the existing exterior wall to which the deck is to be attached.

Montgomery County Residential Deck Details may be used in lieu of the construction plans for single span, single level decks constructed in accordance with the provisions of this document. In addition, these decks cannot be constructed with roofs, screened porches, hot tubs, or any other additional loads. The existing exterior wall of the house to which the deck is to be attached must meet one of the conditions listed in this document.

WHAT DO THE PERMITS COST

Call the Permit Section at **(240) 777-6370** to obtain information regarding the fee structure for a building permit. If other permits are required, separate fees will be charged based on actual equipment installed on the deck. Examples of equipment requiring additional permits include, but are not limited to, electrical outlets or fixtures, hot tubs, spas, etc.

WHO SHOULD APPLY FOR PERMITS

Homeowners may secure the building permit in their own name; however, if a contractor is to perform the work, DPS strongly suggests that the contractor be listed on the permit as the party responsible for the work. In this way, the DPS will be in a better position to assist the homeowner in gaining compliance with codes if the work is defective. A contractor must be properly licensed in order to obtain a permit.

WHAT IS THE PERMIT PROCESS

The building permit application will be assigned a permit number to identify the project. Then, it will be returned to the applicant for obtaining the approval signatures from the applicable sections required for permit issuance. The permit technicians will direct the homeowner to these sections:

- *Zoning Section:* will sign off after the plat has been reviewed and approved for zoning-related issues.
- *Well & Septic section:* will sign off after the plat has been reviewed and approved for clearances to existing wells and/or septic tanks if they exist on the property.
- *Building Plan Review Section:* will sign off only after all other signatures have been obtained and after the deck plans have been reviewed and approved. **This review is NOT required if the *Montgomery County Residential Deck Details* are used in lieu of construction plans.**

Most decks are eligible for the Walk-Thru Program that allows the applicant to walk the site and construction plans and building permit application to the applicable sections for review, while waiting, with permits usually being issued on the same day. Eventually the applicant will receive the building permit and approved plans.

WHAT ARE the REQUIREMENTS FOR PUBLIC UTILITIES?

Call "Miss Utility" at **1-800-257-7777** before excavating to ensure that the construction does not interfere with underground utility lines. "Miss Utility" is a free service to anyone who is planning to excavate. Companies such as Pepco, BG&E, Washington Gas Light Company, Verizon, and Montgomery County Cable support "Miss Utility" to prevent damage to their buried lines. Call at least 48 hours prior to excavating. The various companies will mark the path of underground utilities on the property.

WHAT, WHEN AND WHY ARE INSPECTIONS REQUIRED

Inspections help to establish that the deck has been built in accordance with the structural and safety provisions of the *Montgomery County Building Code*, standard construction practices and the approved plans or the *Montgomery County Residential Deck Details*.

Failure to receive any and all inspections can result in the issuance of violations, which may lead to legal proceedings. In addition, many insurance companies require all residential construction to be permitted and inspected by the local jurisdiction in order to provide coverage of the new construction.

A copy of the approved plans or *Montgomery County Residential Deck Details*, and the site plan must be on the job site and available to the inspector.

Inspections Required

Three inspections are required for a deck:

- **Footing:** footing holes are inspected prior to concrete placement to verify the soil bearing conditions.
- **Framing:** joists, beams, connections, and mechanical attachments are inspected prior to placement of decking. When the underside of floor framing is less than 36 in. above the surface below, a framing inspection must be requested prior to installation of any floor materials. **The connection to the house, if any, is inspected to ensure proper installation of the fasteners for the structural stability of the deck and this inspection requires access to the basement wall and ceiling.**

- Final: all remaining items are inspected.

The framing and final inspections may be combined if all portions of the deck framing and mechanical attachments are at least 42 inches above grade.

Common Reasons for Inspection Disapproval

The most common reasons are:

- Noncompliance with the approved plans or the *Montgomery County Residential Deck Details*.
- Soil material is inadequate to provide minimum bearing capacity of the footing.
- The ledger board is not attached to approved material at the existing house wall.
- The ledger board attachment does not comply relative to bolt diameter, spacing and tightening and/or flashing.
- Pre-manufactured guardrail systems are improperly installed or are not listed or tested by an approved code agency
- Guardrail posts are notched at connection.
- The variation in stair risers is greater than the code allowance.
- Stair stringers are overspanned.
- Corrosion-resistant nails and fasteners are not used in pressure treated material.
- Failure to provide an artificial light source to illuminate the stairs.

WHEN AND WHERE TO CALL FOR INSPECTIONS

Pursuant to the *Montgomery County Building Code*, it is the responsibility of the permit holder or the permit holder's representative to notify the county when the stages of construction that require an inspection are reached. All ladders, scaffolds and test equipment required to complete an inspection or test shall be provided by the property owner, permit holder or their representative. Inspectors will request access to the structural system of the existing house to verify compliance with approved plans.

The Inspection Request Center's telephone number is **(240) 777-6210**. Please call between the hours of 8:00 a.m. and 3:30 p.m., Monday through Friday, except on County holidays. Please have your permit number available to give to the inspection request operator. You may also schedule your inspection by visiting <http://permittingservices.montgomerycountymd.gov>. Requests made prior to 12:00 A.M. will be scheduled for the next workday.